

Volcano Marshall's Case Argued Before Estee

Able Counsel Appear on Both Sides and Quote Law on Question of Juris- diction.

Judge Estee Asks Some Pertinent Questions Condemnatory of the Custom in Vogue Here of Confining Misdemeanor Prisoners With Men Con- victed of Infamous Crimes.

IT WAS a field day in Judge Estee's court yesterday. Half the bar of the city was there and quite a number of them arrayed themselves on one side or the other in the application for a writ of habeas corpus on behalf of William H. Marshall, the newspaper man, convicted of criminal libel and sentenced to six months in prison.

Despite the heavy rain without the United States district court room was unusually bright and cheerful. The able and handsome judge looked his best and evidently felt it. He was attired in a brand new white linen suit, a stiff white shirt which he brought from California, and the inevitable white tie. He looked what he is, the ideal judge.

Marshall Ray and his chief deputy were there, in their seats of state, looking wise as a pair of owls, a mental impression that was enhanced by the exchange they frequently indulged in.

The earnest campaigning that Mr. Hendry is engaged in just now is wearing on him physically and has perceptibly widened the skating rink from his forehead backward.

"Volcano" Marshall was there, long and lank, shuffling along with those unsteady feet at the end of ridiculously thin legs, wearing a happy smile and extending the ever-glad hand to his friends.

Mr. Gear's Bon Mot.

The ever neat and trim Mr. Maling was at the dock and had the good manners never to look upward, not even when Mr. Lewis worked off his case on the writ of habeas corpus. He did not smile, even when Mr. Gear said, speaking of the territorial supreme court: "We have a peculiar court, if not consisting of a judge and two lawyers." This reflection on the court was probably not intended, but it seemed to be appreciated by one person present, at least—the petitioner.

General Hartwell looked severe. He appeared nettled and unhappy, probably because he was compelled first to take an oath of fealty before he could speak.

W. O. Smith's eyes never looked keener and he certainly never was more suave. If he didn't satisfy the court that the brutal treatment accorded Mr. Marshall in person was what he deserved it wasn't his fault. It must be confessed that Mr. Smith did not seem wholly satisfied with himself when the court adjourned.

John C. Baird, the United States attorney, made the most entertaining speech of the day and if his heart didn't really go with his law he did remarkably well.

Then there was Mr. Lewis—but Lewis spoke for himself.

George D. Gear, built as an expansionist and of marvelous bonhomie, did excellent work for the petitioner; also for the people in showing up the absurd and ridiculous character of the territorial supreme court, a matter which Judge Estee persistently, but vainly, attempted to keep out.

Attorney General Felt Bad.

On Mr. de Bolt felt the burden of the work for the petitioner and in a quiet but forceful way he well acquitted himself.

Then there was the attorney general, with hatred in his heart for "obscure scribblers and libelers," but overflowing love for the law. He was apprehensive that Judge Estee's action in this case might set a precedent that would disrupt the federal practice, send Porto Rico and the Philippines on legal reefs and interfere with the president's digestion. He sat moodily throughout the argument, probably cogitating on political uncertainties; how McKinley's defeat would jeopardize his uncle's fat position and—the one he had so modestly conferred on his nephew. He may have thought what a good thing it was to be the "nephew of an uncle" who is governor, with some good appointments in his gift.

The presence of Miss Ryan, the fair Californian who is Judge Estee's private secretary, gave a relief to the somberness of the gathering. Miss Ryan was present, of course, in the line of her duty, but as she is an exceedingly clever woman and a capable lawyer, she too, enjoyed some portions of the proceedings.

Ready for the Arguments.

Promptly at 10 o'clock yesterday morning the attorneys on behalf of both sides of the case, and Wm. H. Marshall, the plaintiff, were in the United States court room. The sole question for consideration was the jurisdiction of the court. Judge Estee stated that the petitioner would have the opening and closing.

Mr. De Bolt spoke over an hour. He said that the United States court in this territory is differently constituted than in the States. By the Organic Act congress conferred upon it some of the powers of a circuit court. And that it follows that there can be no question of its right to issue a writ of habeas corpus and that the present case is one wholly resting on the court's discretion. He called the court's attention to the peculiar conditions surrounding the Marshall case. He cited these as reasons why the court should use its discretion to take jurisdiction in the case at bar.

All United States Courts.

He spoke of Hawaii's isolated position, of the great distance to Washington and the consequent time and expense involved in carrying the plaintiff's cause to the United States supreme court on a writ of error. He contended that the courts in a territory are all to a large extent United States courts, and that greater latitude in the matter of jurisdiction follows from the nature of things. He pointed out that the petition of Mr. Marshall sets forth that he was convicted without presentment or indictment by a grand jury, and further, was convicted by nine instead of twelve jurors. Both these being constitutional questions, they come within the plain jurisdiction of the United States court.

The numerous citations produced by Mr. De Bolt included both cases where jurisdiction was taken and where jurisdiction was denied. He brought out the point that the consideration of this case by the United States court was not in conflict with the other courts, because they have all passed upon it and are through with it. He showed a number of cases where United States courts had issued writs of habeas corpus before they had been carried through the state courts to the supreme courts. He argued that it would be all the more incumbent in the present instance for the court to take jurisdiction, because the plaintiff has exhausted every other right and privilege in the territory and still is denied his liberty. Counsel for the plaintiff said that he believed one of the main reasons inducing congress to establish a United States court here was that citizens of the islands might bring such matters as are involved in the case at bar to a decision, without crossing the Pacific ocean.

Why Not Have Justice Here?

He added: "And why should we not have justice here? Why should the petitioner be compelled to go 5,000 miles to the supreme court of the United States when a court with competent jurisdiction is at his door?"

Mr. De Bolt cited a case in one of the States where a United States judge released a prisoner convicted in an inferior court, and gave as one of the reasons that the petitioner would have to go a long distance and be put to great expense to swear out a writ of error to the supreme court of the United States.

Mr. De Bolt then read from the books that a writ of habeas corpus never issues as a matter of course, but should issue whenever the petition shows indisputable grounds. The court does not consider the facts relating to the alleged crime, but passes on the legality of the applicant's restraint.

"In the United States supreme court. Ex parte Siebold, Vol. 100, page 375, it was held that the only ground on which this court can entertain an application for a writ of habeas corpus is that the judgment is null and void for any reason. We claim that the sentence of Wm. H. Marshall is null and void because unconstitutional. An offense based on an unconstitutional law is not a crime. A conviction for such a crime is null and void."

When Mr. De Bolt concluded Judge Estee asked if there were any other lawyers present who desired to talk in behalf of the petitioner. No one appeared, and Attorney General Dole spoke for the Territory of Hawaii.

Attorney General Dole's Argument.

"This matter comes before your honor in the form of an obscure libel. But the constitutional questions involved are among the most momentous ever raised. If Mr. Marshall is discharged nearly every person convicted from August 12, 1898, to June 14, 1900, will be released. We can defend ourselves against the lawless society is protected by laws; but the precedent will go on as a guide for all the people of the United States. If Mr. De Bolt's contentions are right, all the custom house collections from August 12, 1898, to June 14, 1900, were made in violation of the constitution; Postmaster Out during that time was running a

postal system contrary to the constitution; the customs paid by Hawaiians at San Francisco and New York were illegally collected. If the principles of the other side in this case are sound, President McKinley is ruling Porto Rico unconstitutionally, and the Philippines must either be abandoned or the 10,000,000 Filipinos are citizens like you and I. The question is whether the constitution follows the flag. This is the principle involved. Mr. Marshall is of no consequence, compared with the future of the United States as a world power."

"If your honor takes jurisdiction in this case you take jurisdiction of every case that may be brought by criminals that have been convicted in the islands during the past two years; you take jurisdiction of the twenty odd criminals who are in Oahu prison with hands stained with blood. If your honor sets free this obscure libeler you must turn loose upon this community every red-handed murderer that has been sentenced to prison in these islands since August 12, 1898. Your honor cannot make one rule for Mr. Marshall and another to prevent a general jail-delivery."

Mr. Dole urged the court not to take jurisdiction in the matter on account of the far-reaching consequences involved, and that Mr. Marshall take his case on a writ of error to the supreme court of the United States, the only tribunal competent to pass upon the profound and far-reaching questions involved.

He cited Marston v. Bowser, in which the supreme court of the United States said: "It is again held that judgment of courts in criminal cases should not be reviewed by the United States courts on writs of habeas corpus, but by writ of error to the supreme court."

ARGUMENTS IN THE
AFTERNOON SESSION

After the noon recess, Gen. A. S. Hartwell, who had been pressed into the service suddenly, was sworn in as an attorney in the United States courts and briefly addressed the court. He was, of course, in opposition to the petitioner and said he desired to separate the jurisdiction from the merits of the case outside the jurisdictional feature.

The court interrupted counsel by saying that while he didn't wish to limit the discussion, the present consideration would confine itself to the question as to whether this court can retain jurisdiction.

Gen. Hartwell then quoted section 10 of the Organic Act and pointed out that it is similar in character to those in force in other states and territories when they were brought into the Union. He thought there was no changing of the statutes, but added that he had not been able to give the matter the study it should have had, and simply desired to submit it to the consideration of the court.

He acknowledged the discretionary powers of the board, but questioned whether discretion ought to be exercised in this case. He quoted in re, Pitcher, from 43 Fed. Rep. p. 653, to sustain his point that it was the custom that the courts were slow to sustain writs of habeas corpus in all cases where in the pivotal point had not been decided by the supreme court of the United States. There was danger of turning a writ of habeas corpus into a writ of error. The court was not obliged to consider the case; the petitioner's remedy is by appeal. He spoke of the delay and cost of such an appeal, but contended that the proper course was to leave the petitioner to his remedy.

Baird's Strong Argument.

District Attorney Baird, who appeared at the request of the court as amicus curiae on the question of jurisdiction, made an eloquent argument, in which he held against jurisdiction. He said he had hoped that he could recommend jurisdiction so that a vexed question, which he thought had been settled in 1857, in the Dred Scott case, by the supreme court of the United States, might be forever given its quietus. That famous opinion was appealed to the field of conflict and there settled. In the Dred Scott case the constitution followed the flag, just as later it did in Kansas and Nebraska. The doctrine that is so rampant today has its foundation in the Dred Scott decision, which cost a million precious lives and \$5,000,000,000 to determine.

This court, in the opinion of Mr. Baird, ought not to dispose of this case on its merits. He said there was a vast difference between the courts of the territories on the mainland and those of the Territory of Hawaii. The courts of the mainland territories have a dual capacity—dual jurisdiction. They have jurisdiction of offense against the territorial laws, and on the other hand infractions against the United States laws as well. They are not United States courts, but more nearly so than are those of Hawaii. The courts of this territory are somewhat unique. This is the first territory to be given United States courts. Hawaii is more nearly a state than any other territory. It has all the rights of states save that it may not vote for presidential electors, has no full representation in congress and cannot elect United States senators.

The governor of Hawaii has been endowed with greater powers than the governor of the state of New York; indeed, the territory comes very nearly being a state.

This is a grave question. It is so because of its far-reaching effect. It will involve not only one man, but many, and reaches certain constitutional questions that lie at the very foundation of the laws of the land.

Let the decision be right; the man is not to be considered, but the principles at issue must be. It would give me great

pleasure, said Col. Baird, if the case could be appealed here, since it is necessary to cross half an ocean and the breadth of a continent for an appeal.

Argument of the Brief.

Colonel Baird filed a brief in the case, as follows:

"In this matter the jurisdiction of a federal court is invoked to annul the sentence and terminate the imprisonment imposed in a criminal case that was prosecuted under the laws of the Republic of Hawaii. But one other republic was ever annexed to the United States and that was Texas. A search of the books fails to disclose any decisions arising out of that annexation that bear directly upon the present question. It must be recalled that Texas was admitted into the Union as a state possessed of a complete state constitution and statutes. One of these statutes which had been enacted by the Texas congress was assailed upon the ground that it violated the provisions of section 10 of article I of the constitution of the United States, declaring that 'no state shall... pass any... law impairing the obligation of contracts.' But the supreme court held, in the case of League v. De Young, et al., 11 How., 185, that the restraints imposed by the legislative powers of the several states could effect them only after they became states of the Union, under the provisions of the constitution, and had consented to be bound by it; whereas, Texas was admitted as a complete state and its constitution and laws accepted as they stood at the date of admission.

"The conditions differ in respect of Hawaii. By the Newlands resolution of July 7, 1898, (30 Stat. L. 750) it is provided that the Hawaiian islands 'are hereby annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof.' The right is reserved to congress to 'provide for the government of said islands and with certain limitations the laws of the Hawaiian Islands' shall remain in force until the congress of the United States shall otherwise determine. Hence the laws of the Territory of Hawaii as enacted by the late republic are not free of the supervisory control of the supreme court of the United States, as were the laws of Texas. Complete redress may be obtained in that supreme tribunal.

"But in this proceeding it is sought to shorten the way to liberty by bringing the petitioner and the record on habeas corpus. The statutory provisions of the United States pertinent for the present are as follows:

"Section 751—That the supreme court and the circuit and district courts shall have power to issue writs of habeas corpus.

"Section 752—The several justices and judges of the said courts, within their respective jurisdictions, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of the restraint of liberty.

"Section 753—The writ of habeas corpus shall in no case extend to a prisoner in jail, unless where he is in custody... in violation of the constitution or of a law or treaty of the United States, etc.

Contention of Petitioner.

"The petition herein is based upon the claim that the petitioner was tried, convicted and sentenced to imprisonment with hard labor by the courts of Hawaii, without a presentment or indictment by a grand jury; and that the offense charged is an infamous crime.

The character of the pleading upon which the proceedings were based is not stated in the petition. It is alleged that such trial and sentence are in violation of the Fifth amendment to the constitution of the United States.

"The question thus squarely presented is, has this court jurisdiction to inquire into the cause of the restraint of liberty of this petitioner?

"Without recounting similar cases wherein circuit and district courts of the United States have heretofore assumed jurisdiction, I come to the most recent decisions of the United States supreme court on the question and which is absolutely conclusive.

"The case went up from North Dakota, where the United States district judge upon the hearing discharged the writ of habeas corpus and remanded the petitioner. (Markuson v. Boucher, 175 U. S., 184, decided on Nov. 20, 1899).

"Justice McKenna, speaking for the court, said: 'In the brief of appellant's counsel and also in that of the attorney general of the state, as well as in oral argument, the constitutional points raised were argued at length. We are not disposed to consider them. We have frequently pronounced against the review by habeas corpus of the judgment of the state courts in criminal cases because some right under the constitution of the United States was alleged to have been denied the person convicted and have repeatedly decided the proper remedy was by writ of error.'

"After citing from Baker v. Grice, 169 U. S., 284, as follows: 'Instead of discharging the prisoner (the federal courts) will leave the prisoner to be dealt with by the courts of the state; that after a final determination of the case by the state court the federal courts will then generally leave the petitioner to his remedy by writ of error from this court.'

Justice McKenna adds: 'The jurisdiction is more delicate, the reason against its exercise stronger, when a single judge is invoked to reverse the decision of the highest court of a state in which the constitutional rights of a prisoner could have been claimed and may be more rightly decided, or if not rightly decided could be reviewed and redressed by a writ of error from this court.'

"This decision being the latest expression of the supreme tribunal is binding on this court.

"There are many earlier cases holding the same way."

(Continued on Eighth Page.)

SHOOTS HIS WIFE AND THEN COMMITS SUICIDE

Father of the Woman is a Witness to the Deed.

NONE RUINED BY A PARAMOUR THE COURSE OF ILLICIT LOVE ENDS IN A BLOODY TRAGEDY.

The Woman's Life is Hanging by a Very Slender Thread and She Will Probably Die.

In a fury of jealous rage, Benjamin Steigmann shot his wife, Emma Steigmann, twice last evening at 8 o'clock, then placed the weapon against his temple and tried to blow out his brains.

The shooting occurred in room No. 14 in the Honolulu hotel on Nuuanu street. The police were at once notified and both were hurried into an ambulance and driven to Queen's hospital. Husband and wife, murderer and victim, were both placed on cots in the same room where in an apparently dying condition, they awaited the coming of surgeons.

Dr. C. B. Cooper soon appeared and a careful examination showed that the woman had been shot twice in the back. One ball entered on the right side below the scapula and passed entirely through the body, emerging below the eleventh rib on the left side. The other bullet entered a few inches lower, lodged in the soft parts and could not be found by probing.

When first seen after the shooting the man was thought to be at the point of death. He soon regained consciousness, however, and talked brokenly, but intelligently, when questioned.

The bullet entered his head at the upper parietal bone, passed through the brain and lodged under the left occipital. "Both have even chances with life and death," was the opinion expressed by Dr. Cooper. Steigmann, however, died two hours later.

The cause of the tragedy was the wife's love for another man. She left her home last Saturday and with Frank Berry went to the Honolulu hotel, where they engaged a room as husband and wife, according to Landlord McDowell's story. Last evening, accompanied by the wife's father, Steigmann went to the hotel to see if he could not get his wife to return to their home. Her father knocked at his daughter's room, asking for admission and asking also if she would see her husband.

"If you will be present at the interview I will," she said.

They entered. Then followed a half hour's talk during which the husband offered to give her money if she would go back to his home. But the couple could not agree and finally the father said: "This is enough; we must go," and started for the door. As his hand rested on the door knob he heard the shots ring out, and, turning, he saw both of them fall.

Blood pools on the carpet showed how unerring was the murderous hand impelled by a jealous heart.

The father lifted his daughter to the bed and sought to calm her outcries of pain until assistance arrived.

"At the hospital, while Mrs. Steigmann lay moaning on an operating table, two gentlemen stepped to the window. One of them addressed her and she exclaimed:

"Oh, Mr. Strauss, tell Mr. Berry to come at once."

"Why does my friend not come to help me now?"

"Why, oh, why, does he not come?"

"Parlez vous en Français?" asked Mr. Strauss.

"No, no," said the woman in agony. "I am saying it in English. Go and tell Mr. Berry to come to me now when I need him so. You will find him on Hotel street, in the house near where they are working on the Young block. Go tell—"

But Strauss never heard the finish of the woman's prayer for her lover, for an angry attendant pulled down the window and ordered the intruders away.

The husband, lying near by, could not see his wife, but could hear her perfectly, but it did not seem to move him.

The troubles of the Steigmanns are not of quite recent origin. He is the keeper of a little variety store on King street, Walkiki of Bethel street. He resides on Christy lane, where they lived happily until about two months ago, when he went to California on a business trip.

He did not enjoy his journey, he said, feeling constantly that there was something wrong at home. On returning he found that Berry was living at his house, to the scandal of the neighborhood, which is a respectable one. Steigmann drove Berry from his house and begged his wife to give up her paramour. This she refused to do. The neighbors say that Steigmann was considerate of his wife, kind to her and a good provider.

That he was desperately in love with his wife is asserted by all the neighbors. He begged her to reform, to cease her wayward conduct and renounce her infatuation. "He went on and on," said a neighbor last evening after the tragedy had occurred, "and begged her to forsake Berry, but she refused to do so, saying that she loved Berry, that she could not live without him and that she no longer had any love for her husband."

lice and also from the newspapers in driving Berry from the city, hoping that his wife would then return to him. Of course, neither the police nor the newspapers could help him unless he swore out a warrant for the fellow's arrest.

At this office his friends who called last week in his behalf were counseled to call on District Attorney Baird and secure his arrest under the Edmunds' Act, which was not done. Had the advice been followed this tragedy might have been averted. The Steigmanns have two children to face this awful shame, which will cloud all their lives. They have been residing with their father.

Deputy Sheriff Chillingworth took the dying declaration of Steigmann last evening.

"Do you think you are going to die?" asked the officer.

"Yes, I think I am going to die."

"Did you shoot your wife with that gun?"

"Yes, I shot my wife."

"Why did you do it?"

To this question Steigmann would make no reply, except "I am feeling very bad; please go away."

The revolver used was of the Smith & Wesson pattern and 32-calibre.

The father of the woman said that he had no knowledge that Steigmann was carrying a revolver last night or he would not have allowed the interview to have taken place.

At 10 o'clock Dr. Cooper decided to probe for the bullet in the lower wound in the case of Mrs. Steigmann. The operation, in medical parlance, is called exploratory laparotomy and in this case was one requiring rare surgical skill. Dr. Cooper was assisted by Dr. McDonald and Dr. Emerson. Anesthetics were administered and incisions made exposing the abdominal cavities. An intestinal perforation was found and sewed up, but the bullet was not located. Mrs. Steigmann underwent the operation without bad effects any more than she was on the verge of collapsing from the shock. Her age is 23 years, while her husband is 30.

Mrs. Steigmann is a Roumanian Jewess. Her husband was an Austrian of birth and an Israelite.

No operation was performed on Steigmann, the patient not having recovered sufficiently from the shock, and at 12:40 this morning he passed into eternity.

ANTONE BEDAL SHOT IN
SHOULDER BY PLAYMATE

Father of Wounded Boy Wants Warrant for Arrest of the Shooter.

Antone Bedal, a boy about 10 years of age, was accidentally shot in the left shoulder yesterday forenoon by Pepe Faustino Casinero, aged 15. Both boys are Portuguese and live on the east slope of Punchbowl. The wounded boy, Bedal, lives with his father on Punchbowl street, his mother being dead. The father is working on the streets and for some days the boy has taken the noonday dinner to him.

Yesterday, just after starting with the dinner, he passed a group of boys in the street, among whom was Casinero, who had a small 22-calibre revolver in his hand. Casinero fired two shots with the revolver into the side of the hill and then turning quickly fired towards the Bedal lad, the bullet striking the boy in the left shoulder a few inches above the heart.

As soon as it was learned the boy had been wounded neighbors rushed to his assistance and Dr. L. F. Alvarez was at once called and dressed the wound. When the father arrived home last night he chided the boy for not bringing his dinner, when the boy informed his father that he had been shot and showed him the wound. Bedal pere at once went to the police station to ask for the arrest of Casinero. Deputy Sheriff Chillingworth investigated the case and learned that the shooting was entirely unintentional, being the result of carelessness. The boy is not seriously hurt and will soon be around again.

Opium in Lemons.

George Yee was arrested last night for having opium in possession. He was caught by Deputy Sheriff Chillingworth, who found twelve imitation lemons filled with opium in his room.

Kalihi Pump Rests.

The new pump at Kalihi has shut down for a few days until the machinery is painted. The pump has been giving the same satisfaction shown on the day of the test. For the week while the Kalihi pump is shut down, the Beretania pumps will work overtime.

Association Football.

There will be a game of association football played at the Makiki cricket grounds on Saturday next. The game will be between picked teams from Iolani college and from men in the stores down town. The merchants' team will play the following: Cotton, Lennox, Lansdale, Fiddes, Churton, R. Anderson, Soper, McLean, Woods, Sinclair and Seymour. The Iolani college team has not yet been named.

Arrested For Assault.

Matt Olsen, a sailor, was arrested last night after a hard fight and taken to the police station. On the corner of Kukui and Fort streets he grabbed a Japanese woman who was passing by the throat, and attempted to pull her into a dark alley near by. The screams of the woman frightened the man, who started to run. He was caught at Nuuanu and Kukui and after a hard fight was taken to the police station in a hack. The woman called later at the station and positively identified Olsen as her assailant.

HEAVY STORMS SWEEP OVER ISLAND OF OAHU

Rains Cause Great Floods All About Honolulu.

CONSIDERABLE DAMAGE DONE HERE PUNCHBOWL, PALAMA AND THE WATERFRONT RE- GIONS SUFFER.

Nuuanu River up to Its Banks With Several Bridges Endan- gered—Notes About the City.

The district at Palama, on both sides of King street for about 300 yards Walkiki of Houghtaling's lane, was flooded from two to four feet deep with water coming from the Kalihi valley and the gulches mauka of Kapalama last night.

The torrent came with such rapidity that it is thought that there must have been a cloudburst. Early in the morning the streams were running full from the heavy rains and when the big rain of last night came they overflowed their banks.

A small stream which branches off from the Kalihi stream and runs mauka and Ewa of Kaehanaheia school, was blocked by the building of the Achi houses, just Ewa of the tram station. An outlet was built and it was apparently too small, as the water backed up and then overflowed the whole district in a very short space of time. The residents of the neighborhood soon saw that the flood was upon them and those on the lower floors began to move out. The steps on most of the houses were washed away by the flood, which came with a rush, and the water soon began to flow across King street and onto the lowland on the mauka side. The people in the new Japanese hospital had a little time to prepare for the onrush of water and built a levee around the building so that little damage was done there. On the mauka side of King street, however, the flood did the most damage. The land was formerly low, having been used as rice land and was partially filled in, but still below the street level.

From the way that the water flowed through the lower stories of the newly constructed houses it would appear that they are much nearer the ground than the law allows.

In the darkness it was impossible to see what damage was done the rice fields in the neighborhood, but it is thought that as the rush of water was so strong a good deal of the growing rice will be ruined. Further out Kalihi, where the new bridge is being built on King street, the water was a couple of feet over the bridge and it is thought that all the work in process of construction has been carried away.

Water at Kewalo

Kewalo was submerged yesterday afternoon and evening. The whole district is a good deal below the level of the land mauka and as a consequence the district received the whole benefit of the surface water from King, Alapai and South street.

Palama Flooded.

The heavy rainfall of last evening did quite a bit of damage and caused considerable excitement among the Chinese and Japs in the neighborhood of the new pumping station at Palama. Everywhere in the neighborhood could be seen natives, Chinese and Japs with their lanterns trying hard to recover their floating property, such as sidewalks, boxes, barrels and barrels. The amount of water was so great it entered the sod water places and caused some bad washouts in the roads. The water was so deep in some parts of the road it reached the hubs of hack wheels.

Nuuanu stream had risen to such a height that it was feared by people in the neighborhood it would overflow its banks.

Police Kept Busy.

Deputy Sheriff Chillingworth had an experience at the corner of Pilioli street, near the baseball grounds, while on his way to serve some papers. He drove into a flood of water which overflowed the bed of his buggy, and a large pole for the electric car line came floating down the street with great velocity, having been washed down from Lunalihi street. It was carried over a stone wall on the corner below and landed in an adjoining lot. The pole was carried down with sufficient force to have wrecked the carriage had it struck it.

A Chinese storekeeper at the corner of Alahan and Queen streets thought he was going to be washed into the bay. During the heaviest rain, after 1 o'clock last night, the water rushed down Alahan street in a perfect torrent and by the time it reached Queen street it had taken on the semblance of a mill race, overflowing the street to a depth of several feet and flooding adjoining buildings. The water poured into the little store of the Chinese until it had reached a depth of nearly four feet and his goods were floating about in a bad mix-up. Considerable damage was done to his stock.

The mounted patrol out in Panoa valley reported to the police station about 9 o'clock last night that several large rocks had been washed down from the hillsides near Panoa road bridge and asked that lanterns be sent out there to be set up as warnings for travelers over the road.